

Adopted	Rejected
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COMMITTEE REPORT

YES:	6
NO:	5

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred Senate Bill 537, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 9, delete "dependants," and insert "**dependents**,".
- 2 Page 1, line 9, delete "defined" and insert "**described**".
- 3 Page 2, after line 24, begin a new paragraph and insert:
- 4 "SECTION 2. IC 22-3-3-10, AS AMENDED BY P.L.134-2006,
- 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2007]: Sec. 10. (a) With respect to injuries in the schedule set
- 7 forth in subsection (d) occurring on and after July 1, 1979, and before
- 8 July 1, 1988, the employee shall receive, in addition to temporary total
- 9 disability benefits not to exceed fifty-two (52) weeks on account of the
- 10 injury, a weekly compensation of sixty percent (60%) of the employee's
- 11 average weekly wages, not to exceed one hundred twenty-five dollars
- 12 (\$125) average weekly wages, for the period stated for the injury.
- 13 (b) With respect to injuries in the schedule set forth in subsection
- 14 (d) occurring on and after July 1, 1988, and before July 1, 1989, the
- 15 employee shall receive, in addition to temporary total disability benefits
- 16 not exceeding seventy-eight (78) weeks on account of the injury, a

1 weekly compensation of sixty percent (60%) of the employee's average
 2 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
 3 average weekly wages, for the period stated for the injury.

4 (c) With respect to injuries in the schedule set forth in subsection
 5 (d) occurring on and after July 1, 1989, and before July 1, 1990, the
 6 employee shall receive, in addition to temporary total disability benefits
 7 not exceeding seventy-eight (78) weeks on account of the injury, a
 8 weekly compensation of sixty percent (60%) of the employee's average
 9 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
 10 average weekly wages, for the period stated for the injury.

11 (d) With respect to injuries in the following schedule occurring on
 12 and after July 1, 1990, and before July 1, 1991, the employee shall
 13 receive, in addition to temporary total disability benefits not exceeding
 14 seventy-eight (78) weeks on account of the injury, a weekly
 15 compensation of sixty percent (60%) of the employee's average weekly
 16 wages, not to exceed two hundred dollars (\$200) average weekly
 17 wages, for the period stated for the injury.

18 (1) Amputation: For the loss by separation of the thumb, sixty
 19 (60) weeks, of the index finger forty (40) weeks, of the second
 20 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
 21 weeks, of the fourth or little finger twenty (20) weeks, of the hand
 22 by separation below the elbow joint two hundred (200) weeks, or
 23 the arm above the elbow two hundred fifty (250) weeks, of the big
 24 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
 25 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
 26 of the fifth or little toe ten (10) weeks, for loss occurring on and
 27 after April 1, 1959, by separation of the foot below the knee joint,
 28 one hundred seventy-five (175) weeks and of the leg above the
 29 knee joint two hundred twenty-five (225) weeks. The loss of more
 30 than one (1) phalange of a thumb or toes shall be considered as
 31 the loss of the entire thumb or toe. The loss of more than two (2)
 32 phalanges of a finger shall be considered as the loss of the entire
 33 finger. The loss of not more than one (1) phalange of a thumb or
 34 toe shall be considered as the loss of one-half ($1/2$) of the thumb
 35 or toe and compensation shall be paid for one-half ($1/2$) of the
 36 period for the loss of the entire thumb or toe. The loss of not more
 37 than one (1) phalange of a finger shall be considered as the loss
 38 of one-third ($1/3$) of the finger and compensation shall be paid for

1 one-third (1/3) the period for the loss of the entire finger. The loss
2 of more than one (1) phalange of the finger but not more than two
3 (2) phalanges of the finger, shall be considered as the loss of
4 one-half (1/2) of the finger and compensation shall be paid for
5 one-half (1/2) of the period for the loss of the entire finger.

6 (2) For the loss by separation of both hands or both feet or the
7 total sight of both eyes, or any two (2) such losses in the same
8 accident, five hundred (500) weeks.

9 (3) For the permanent and complete loss of vision by enucleation
10 or its reduction to one-tenth (1/10) of normal vision with glasses,
11 one hundred seventy-five (175) weeks.

12 (4) For the permanent and complete loss of hearing in one (1) ear,
13 seventy-five (75) weeks, and in both ears, two hundred (200)
14 weeks.

15 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
16 both testicles, one hundred fifty (150) weeks.

17 (e) With respect to injuries in the schedule set forth in subsection
18 (h) occurring on and after July 1, 1979, and before July 1, 1988, the
19 employee shall receive, in addition to temporary total disability benefits
20 not exceeding fifty-two (52) weeks on account of the injury, a weekly
21 compensation of sixty percent (60%) of the employee's average weekly
22 wages not to exceed one hundred twenty-five dollars (\$125) average
23 weekly wages for the period stated for the injury.

24 (f) With respect to injuries in the schedule set forth in subsection (h)
25 occurring on and after July 1, 1988, and before July 1, 1989, the
26 employee shall receive, in addition to temporary total disability benefits
27 not exceeding seventy-eight (78) weeks on account of the injury, a
28 weekly compensation of sixty percent (60%) of the employee's average
29 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
30 average weekly wages, for the period stated for the injury.

31 (g) With respect to injuries in the schedule set forth in subsection
32 (h) occurring on and after July 1, 1989, and before July 1, 1990, the
33 employee shall receive, in addition to temporary total disability benefits
34 not exceeding seventy-eight (78) weeks on account of the injury, a
35 weekly compensation of sixty percent (60%) of the employee's average
36 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
37 average weekly wages, for the period stated for the injury.

38 (h) With respect to injuries in the following schedule occurring on

1 and after July 1, 1990, and before July 1, 1991, the employee shall
2 receive, in addition to temporary total disability benefits not exceeding
3 seventy-eight (78) weeks on account of the injury, a weekly
4 compensation of sixty percent (60%) of the employee's average weekly
5 wages, not to exceed two hundred dollars (\$200) average weekly
6 wages, for the period stated for the injury.

7 (1) Loss of use: The total permanent loss of the use of an arm,
8 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
9 as the equivalent of the loss by separation of the arm, hand,
10 thumb, finger, leg, foot, toe, or phalange, and compensation shall
11 be paid for the same period as for the loss thereof by separation.

12 (2) Partial loss of use: For the permanent partial loss of the use of
13 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
14 compensation shall be paid for the proportionate loss of the use of
15 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

16 (3) For injuries resulting in total permanent disability, five
17 hundred (500) weeks.

18 (4) For any permanent reduction of the sight of an eye less than a
19 total loss as specified in subsection (d)(3), compensation shall be
20 paid for a period proportionate to the degree of such permanent
21 reduction without correction or glasses. However, when such
22 permanent reduction without correction or glasses would result in
23 one hundred percent (100%) loss of vision, but correction or
24 glasses would result in restoration of vision, then in such event
25 compensation shall be paid for fifty percent (50%) of such total
26 loss of vision without glasses, plus an additional amount equal to
27 the proportionate amount of such reduction with glasses, not to
28 exceed an additional fifty percent (50%).

29 (5) For any permanent reduction of the hearing of one (1) or both
30 ears, less than the total loss as specified in subsection (d)(4),
31 compensation shall be paid for a period proportional to the degree
32 of such permanent reduction.

33 (6) In all other cases of permanent partial impairment,
34 compensation proportionate to the degree of such permanent
35 partial impairment, in the discretion of the worker's compensation
36 board, not exceeding five hundred (500) weeks.

37 (7) In all cases of permanent disfigurement which may impair the
38 future usefulness or opportunities of the employee, compensation,

1 in the discretion of the worker's compensation board, not
 2 exceeding two hundred (200) weeks, except that no compensation
 3 shall be payable under this subdivision where compensation is
 4 payable elsewhere in this section.

5 (i) With respect to injuries in the following schedule occurring on
 6 and after July 1, 1991, the employee shall receive in addition to
 7 temporary total disability benefits, not exceeding one hundred
 8 twenty-five (125) weeks on account of the injury, compensation in an
 9 amount determined under the following schedule to be paid weekly at
 10 a rate of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's
 11 average weekly wages during the fifty-two (52) weeks immediately
 12 preceding the week in which the injury occurred.

13 (1) Amputation: For the loss by separation of the thumb, twelve
 14 (12) degrees of permanent impairment; of the index finger, eight
 15 (8) degrees of permanent impairment; of the second finger, seven
 16 (7) degrees of permanent impairment; of the third or ring finger,
 17 six (6) degrees of permanent impairment; of the fourth or little
 18 finger, four (4) degrees of permanent impairment; of the hand by
 19 separation below the elbow joint, forty (40) degrees of permanent
 20 impairment; of the arm above the elbow, fifty (50) degrees of
 21 permanent impairment; of the big toe, twelve (12) degrees of
 22 permanent impairment; of the second toe, six (6) degrees of
 23 permanent impairment; of the third toe, four (4) degrees of
 24 permanent impairment; of the fourth toe, three (3) degrees of
 25 permanent impairment; of the fifth or little toe, two (2) degrees of
 26 permanent impairment; by separation of the foot below the knee
 27 joint, thirty-five (35) degrees of permanent impairment; and of the
 28 leg above the knee joint, forty-five (45) degrees of permanent
 29 impairment.

30 (2) Amputations: For the loss by separation of any of the body
 31 parts described in subdivision (1) on or after July 1, 1997, and for
 32 the loss by separation of any of the body parts described in
 33 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar
 34 values per degree applying on the date of the injury as described
 35 in subsection (j) shall be multiplied by two (2). However, the
 36 doubling provision of this subdivision does not apply to a loss of
 37 use that is not a loss by separation.

38 (3) The loss of more than one (1) phalange of a thumb or toe shall

1 be considered as the loss of the entire thumb or toe. The loss of
 2 more than two (2) phalanges of a finger shall be considered as the
 3 loss of the entire finger. The loss of not more than one (1)
 4 phalange of a thumb or toe shall be considered as the loss of
 5 one-half (1/2) of the degrees of permanent impairment for the loss
 6 of the entire thumb or toe. The loss of not more than one (1)
 7 phalange of a finger shall be considered as the loss of one-third
 8 (1/3) of the finger and compensation shall be paid for one-third
 9 (1/3) of the degrees payable for the loss of the entire finger. The
 10 loss of more than one (1) phalange of the finger but not more than
 11 two (2) phalanges of the finger shall be considered as the loss of
 12 one-half (1/2) of the finger and compensation shall be paid for
 13 one-half (1/2) of the degrees payable for the loss of the entire
 14 finger.

15 (4) For the loss by separation of both hands or both feet or the
 16 total sight of both eyes or any two (2) such losses in the same
 17 accident, one hundred (100) degrees of permanent impairment.

18 (5) For the permanent and complete loss of vision by enucleation,
 19 thirty-five (35) degrees of permanent impairment.

20 (6) For the reduction of vision to one-tenth (1/10) of normal
 21 vision with glasses, thirty-five (35) degrees of permanent
 22 impairment.

23 (7) For the permanent and complete loss of hearing in one (1) ear,
 24 fifteen (15) degrees of permanent impairment, and in both ears,
 25 forty (40) degrees of permanent impairment.

26 (8) For the loss of one (1) testicle, ten (10) degrees of permanent
 27 impairment; for the loss of both testicles, thirty (30) degrees of
 28 permanent impairment.

29 (9) Loss of use: The total permanent loss of the use of an arm, a
 30 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
 31 considered as the equivalent of the loss by separation of the arm,
 32 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
 33 shall be paid in the same amount as for the loss by separation.
 34 However, the doubling provision of subdivision (2) does not
 35 apply to a loss of use that is not a loss by separation.

36 (10) Partial loss of use: For the permanent partial loss of the use
 37 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 38 phalange, compensation shall be paid for the proportionate loss of

1 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

2 (11) For injuries resulting in total permanent disability, the
3 amount payable for impairment or five hundred (500) weeks of
4 compensation, whichever is greater.

5 (12) For any permanent reduction of the sight of an eye less than
6 a total loss as specified in subsection (h)(4), the compensation
7 shall be paid in an amount proportionate to the degree of a
8 permanent reduction without correction or glasses. However,
9 when a permanent reduction without correction or glasses would
10 result in one hundred percent (100%) loss of vision, then
11 compensation shall be paid for fifty percent (50%) of the total loss
12 of vision without glasses, plus an additional amount equal to the
13 proportionate amount of the reduction with glasses, not to exceed
14 an additional fifty percent (50%).

15 (13) For any permanent reduction of the hearing of one (1) or both
16 ears, less than the total loss as specified in subsection (h)(5),
17 compensation shall be paid in an amount proportionate to the
18 degree of a permanent reduction.

19 (14) In all other cases of permanent partial impairment,
20 compensation proportionate to the degree of a permanent partial
21 impairment, in the discretion of the worker's compensation board,
22 not exceeding one hundred (100) degrees of permanent
23 impairment.

24 (15) In all cases of permanent disfigurement which may impair
25 the future usefulness or opportunities of the employee,
26 compensation, in the discretion of the worker's compensation
27 board, not exceeding forty (40) degrees of permanent impairment
28 except that no compensation shall be payable under this
29 subdivision where compensation is payable elsewhere in this
30 section.

31 (j) Compensation for permanent partial impairment shall be paid
32 according to the degree of permanent impairment for the injury
33 determined under subsection (i) and the following:

34 (1) With respect to injuries occurring on and after July 1, 1991,
35 and before July 1, 1992, for each degree of permanent impairment
36 from one (1) to thirty-five (35), five hundred dollars (\$500) per
37 degree; for each degree of permanent impairment from thirty-six
38 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each

1 degree of permanent impairment above fifty (50), one thousand
2 five hundred dollars (\$1,500) per degree.

3 (2) With respect to injuries occurring on and after July 1, 1992,
4 and before July 1, 1993, for each degree of permanent impairment
5 from one (1) to twenty (20), five hundred dollars (\$500) per
6 degree; for each degree of permanent impairment from
7 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
8 per degree; for each degree of permanent impairment from
9 thirty-six (36) to fifty (50), one thousand three hundred dollars
10 (\$1,300) per degree; for each degree of permanent impairment
11 above fifty (50), one thousand seven hundred dollars (\$1,700) per
12 degree.

13 (3) With respect to injuries occurring on and after July 1, 1993,
14 and before July 1, 1997, for each degree of permanent impairment
15 from one (1) to ten (10), five hundred dollars (\$500) per degree;
16 for each degree of permanent impairment from eleven (11) to
17 twenty (20), seven hundred dollars (\$700) per degree; for each
18 degree of permanent impairment from twenty-one (21) to
19 thirty-five (35), one thousand dollars (\$1,000) per degree; for
20 each degree of permanent impairment from thirty-six (36) to fifty
21 (50), one thousand four hundred dollars (\$1,400) per degree; for
22 each degree of permanent impairment above fifty (50), one
23 thousand seven hundred dollars (\$1,700) per degree.

24 (4) With respect to injuries occurring on and after July 1, 1997,
25 and before July 1, 1998, for each degree of permanent impairment
26 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
27 degree; for each degree of permanent impairment from eleven
28 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
29 for each degree of permanent impairment from thirty-six (36) to
30 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
31 for each degree of permanent impairment above fifty (50), one
32 thousand seven hundred dollars (\$1,700) per degree.

33 (5) With respect to injuries occurring on and after July 1, 1998,
34 and before July 1, 1999, for each degree of permanent impairment
35 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
36 degree; for each degree of permanent impairment from eleven
37 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
38 for each degree of permanent impairment from thirty-six (36) to

1 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
 2 for each degree of permanent impairment above fifty (50), one
 3 thousand seven hundred dollars (\$1,700) per degree.
 4 (6) With respect to injuries occurring on and after July 1, 1999,
 5 and before July 1, 2000, for each degree of permanent impairment
 6 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
 7 for each degree of permanent impairment from eleven (11) to
 8 thirty-five (35), one thousand one hundred dollars (\$1,100) per
 9 degree; for each degree of permanent impairment from thirty-six
 10 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
 11 degree; for each degree of permanent impairment above fifty (50),
 12 two thousand dollars (\$2,000) per degree.
 13 (7) With respect to injuries occurring on and after July 1, 2000,
 14 and before July 1, 2001, for each degree of permanent impairment
 15 from one (1) to ten (10), one thousand one hundred dollars
 16 (\$1,100) per degree; for each degree of permanent impairment
 17 from eleven (11) to thirty-five (35), one thousand three hundred
 18 dollars (\$1,300) per degree; for each degree of permanent
 19 impairment from thirty-six (36) to fifty (50), two thousand dollars
 20 (\$2,000) per degree; for each degree of permanent impairment
 21 above fifty (50), two thousand five hundred fifty dollars (\$2,500)
 22 per degree.
 23 (8) With respect to injuries occurring on and after July 1, 2001,
 24 and before July 1, 2007, for each degree of permanent impairment
 25 from one (1) to ten (10), one thousand three hundred dollars
 26 (\$1,300) per degree; for each degree of permanent impairment
 27 from eleven (11) to thirty-five (35), one thousand five hundred
 28 dollars (\$1,500) per degree; for each degree of permanent
 29 impairment from thirty-six (36) to fifty (50), two thousand four
 30 hundred dollars (\$2,400) per degree; for each degree of
 31 permanent impairment above fifty (50), three thousand dollars
 32 (\$3,000) per degree.
 33 (9) With respect to injuries occurring on and after July 1, 2007,
 34 and before July 1, 2008, for each degree of permanent impairment
 35 from one (1) to ten (10), one thousand three hundred ~~forty~~ **fifty**
 36 dollars ~~(\$1,340)~~ **(\$1,350)** per degree; for each degree of
 37 permanent impairment from eleven (11) to thirty-five (35), one
 38 thousand five hundred ~~forty-five~~ **fifty-seven** dollars ~~(\$1,545)~~

1 ~~(\$1,557)~~ per degree; for each degree of permanent impairment
 2 from thirty-six (36) to fifty (50), two thousand four hundred
 3 ~~seventy-five ninety-one~~ dollars ~~(\$2,475)~~ **(\$2,491)** per degree; for
 4 each degree of permanent impairment above fifty (50), three
 5 thousand one hundred fifty dollars (\$3,150) per degree.

6 (10) With respect to injuries occurring on and after July 1, 2008,
 7 and before July 1, 2009, for each degree of permanent impairment
 8 from one (1) to ten (10), one thousand ~~three four~~ hundred
 9 ~~sixty-five one~~ dollars ~~(\$1,365)~~ **(\$1,401)** per degree; for each
 10 degree of permanent impairment from eleven (11) to thirty-five
 11 (35), one thousand ~~five six~~ hundred ~~seventy sixteen~~ dollars
 12 ~~(\$1,570)~~ **(\$1,616)** per degree; for each degree of permanent
 13 impairment from thirty-six (36) to fifty (50), two thousand five
 14 hundred ~~twenty-five eighty-six~~ dollars ~~(\$2,525)~~ **(\$2,586)** per
 15 degree; for each degree of permanent impairment above fifty (50),
 16 three thousand two hundred ~~seventy~~ dollars ~~(\$3,200)~~ **(\$3,270)** per
 17 degree.

18 (11) With respect to injuries occurring on and after July 1, 2009,
 19 and before July 1, 2010, for each degree of permanent impairment
 20 from one (1) to ten (10), one thousand ~~three four~~ hundred ~~eighty~~
 21 ~~fifty-four~~ dollars ~~(\$1,380)~~ **(\$1,454)** per degree; for each degree
 22 of permanent impairment from eleven (11) to thirty-five (35), one
 23 thousand ~~five six~~ hundred ~~eighty-five~~ ~~seventy-eight~~ dollars
 24 ~~(\$1,585)~~ **(\$1,678)** per degree; for each degree of permanent
 25 impairment from thirty-six (36) to fifty (50), two thousand six
 26 hundred ~~eighty-five~~ dollars ~~(\$2,600)~~ **(\$2,685)** per degree; for
 27 each degree of permanent impairment above fifty (50), three
 28 thousand three hundred ~~ninety-five~~ dollars ~~(\$3,300)~~ **(\$3,395)** per
 29 degree.

30 (12) With respect to injuries occurring on and after July 1, 2010,
 31 for each degree of permanent impairment from one (1) to ten (10),
 32 one thousand ~~four five~~ hundred ~~nine~~ dollars ~~(\$1,400)~~ **(\$1,509)** per
 33 degree; for each degree of permanent impairment from eleven
 34 (11) to thirty-five (35), one thousand ~~six seven~~ hundred ~~forty-two~~
 35 dollars ~~(\$1,600)~~ **(\$1,742)** per degree; for each degree of
 36 permanent impairment from thirty-six (36) to fifty (50), two
 37 thousand seven hundred ~~eighty-seven~~ dollars ~~(\$2,700)~~ **(\$2,787)**
 38 per degree; for each degree of permanent impairment above fifty

1 (50), three thousand five hundred **twenty-four** dollars ~~(\$3,500)~~
 2 **(\$3,524)** per degree.

3 (k) The average weekly wages used in the determination of
 4 compensation for permanent partial impairment under subsections (i)
 5 and (j) shall not exceed the following:

6 (1) With respect to injuries occurring on or after July 1, 1991, and
 7 before July 1, 1992, four hundred ninety-two dollars (\$492).

8 (2) With respect to injuries occurring on or after July 1, 1992, and
 9 before July 1, 1993, five hundred forty dollars (\$540).

10 (3) With respect to injuries occurring on or after July 1, 1993, and
 11 before July 1, 1994, five hundred ninety-one dollars (\$591).

12 (4) With respect to injuries occurring on or after July 1, 1994, and
 13 before July 1, 1997, six hundred forty-two dollars (\$642).

14 (5) With respect to injuries occurring on or after July 1, 1997, and
 15 before July 1, 1998, six hundred seventy-two dollars (\$672).

16 (6) With respect to injuries occurring on or after July 1, 1998, and
 17 before July 1, 1999, seven hundred two dollars (\$702).

18 (7) With respect to injuries occurring on or after July 1, 1999, and
 19 before July 1, 2000, seven hundred thirty-two dollars (\$732).

20 (8) With respect to injuries occurring on or after July 1, 2000, and
 21 before July 1, 2001, seven hundred sixty-two dollars (\$762).

22 (9) With respect to injuries occurring on or after July 1, 2001, and
 23 before July 1, 2002, eight hundred twenty-two dollars (\$822).

24 (10) With respect to injuries occurring on or after July 1, 2002,
 25 and before July 1, 2006, eight hundred eighty-two dollars (\$882).

26 (11) With respect to injuries occurring on or after July 1, 2006,
 27 and before July 1, 2007, nine hundred dollars (\$900).

28 (12) With respect to injuries occurring on or after July 1, 2007,
 29 and before July 1, 2008, nine hundred ~~thirty~~ **thirty-four** dollars
 30 ~~(\$930):~~ **(\$934)**.

31 ~~(11)~~ **(13)** With respect to injuries occurring on or after July 1,
 32 2008, and before July 1, 2009, nine hundred ~~fifty-four~~ **seventy**
 33 dollars ~~(\$954):~~ **(\$970)**.

34 ~~(12)~~ **(14)** With respect to injuries occurring on or after July 1,
 35 2009, ~~nine hundred seventy-five~~ **and before July 1, 2010, one**
 36 **thousand seven** dollars ~~(\$975):~~ **(\$1,007)**.

37 **(15) With respect to injuries occurring on or after July 1,**
 38 **2010, one thousand forty-five dollars (\$1,045).**

1 SECTION 3. IC 22-3-3-13, AS AMENDED BY P.L.134-2006,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 13. (a) As used in this section, "board" refers
4 to the worker's compensation board created under IC 22-3-1-1.

5 (b) If an employee who from any cause, had lost, or lost the use of,
6 one (1) hand, one (1) arm, one (1) foot, one (1) leg, or one (1) eye, and
7 in a subsequent industrial accident becomes permanently and totally
8 disabled by reason of the loss, or loss of use of, another such member
9 or eye, the employer shall be liable only for the compensation payable
10 for such second injury. However, in addition to such compensation and
11 after the completion of the payment therefor, the employee shall be
12 paid the remainder of the compensation that would be due for such
13 total permanent disability out of a special fund known as the second
14 injury fund, and created in the manner described in subsection (c).

15 (c) Whenever the board determines under the procedures set forth
16 in subsection (d) that an assessment is necessary to ensure that fund
17 beneficiaries, including applicants under section 4(e) of this chapter,
18 continue to receive compensation in a timely manner for a reasonable
19 prospective period, the board shall send notice not later than November
20 1 in any year to:

21 (1) all insurance carriers and other entities insuring or providing
22 coverage to employers who are or may be liable under this article
23 to pay compensation for personal injuries to or the death of their
24 employees under this article; and

25 (2) each employer carrying the employer's own risk;

26 stating that an assessment is necessary. Not later than January 31 of the
27 following year, each entity identified in subdivisions (1) and (2) shall
28 send to the board a statement of total paid losses and premiums (as
29 defined in subsection (d)(4)) paid by employers during the previous
30 calendar year. The board may conduct an assessment under this
31 subsection not more than one (1) time annually. The total amount of the
32 assessment may not exceed two and one-half percent (2.5%) of the total
33 amount of all worker's compensation paid to injured employees or their
34 beneficiaries under IC 22-3-2 through IC 22-3-6 for the calendar year
35 next preceding the due date of such payment. The board shall assess a
36 penalty in the amount of ten percent (10%) of the amount owed if
37 payment is not made under this section within thirty (30) days from the
38 date set by the board. If the amount to the credit of the second injury

1 fund on or before November 1 of any year exceeds one hundred
 2 thirty-five percent (135%) of the previous year's disbursements, the
 3 assessment allowed under this subsection shall not be assessed or
 4 collected during the ensuing year. But when on or before November 1
 5 of any year the amount to the credit of the fund is less than one hundred
 6 thirty-five percent (135%) of the previous year's disbursements, the
 7 payments of not more than two and one-half percent (2.5%) of the total
 8 amount of all worker's compensation paid to injured employees or their
 9 beneficiaries under IC 22-3-2 through IC 22-3-6 for the calendar year
 10 next preceding that date shall be resumed and paid into the fund. The
 11 board may not use an assessment rate greater than twenty-five
 12 hundredths of one percent (0.25%) above the amount recommended by
 13 the study performed before the assessment.

14 (d) The board shall assess all employers for the liabilities, including
 15 administrative expenses, of the second injury fund. The assessment
 16 also must provide for the repayment of all loans made to the second
 17 injury fund for the purpose of paying valid claims. The following
 18 applies to assessments under this subsection:

19 (1) The portion of the total amount that must be collected from
 20 self-insured employers equals:

21 (A) the total amount of the assessment as determined by the
 22 board; multiplied by

23 (B) the quotient of:

24 (i) the total paid losses on behalf of all self-insured
 25 employers during the preceding calendar year; divided by

26 (ii) the total paid losses on behalf of all self-insured
 27 employers and insured employers during the preceding
 28 calendar year.

29 (2) The portion of the total amount that must be collected from
 30 insured employers equals:

31 (A) the total amount of the assessment as determined by the
 32 board; multiplied by

33 (B) the quotient of:

34 (i) the total paid losses on behalf of all insured employers
 35 during the preceding calendar year; divided by

36 (ii) the total paid losses on behalf of all self-insured
 37 employers and insured employers during the preceding
 38 calendar year.

(3) The total amount of **insured employer** assessments ~~allocated to insured employers~~ under subdivision (2) must be ~~be~~ collected by the insured employers' worker's compensation insurers. The amount of ~~the assessment for employer assessments~~ each **insured employer insurer shall collect** equals:

(A) the total amount of assessments allocated to insured employers under subdivision ~~(3); (2);~~ multiplied by

(B) the quotient of:

(i) the worker's compensation premiums paid by ~~the insured employer employers to the carrier~~ during the preceding calendar year; divided by

(ii) the worker's compensation premiums paid by **employers to all insured employers carriers** during the preceding calendar year.

(4) For purposes of the computation made under subdivision (3), "premium" means the ~~entire written premium resulting from standard rating procedures and before the application of any of the following:~~

~~(A) Rate deviations.~~

~~(B) Premium discounts.~~

~~(C) Policyholder dividends.~~

~~(D) Premium adjustments under a retrospective rating plan.~~

~~(E) Premium credits provided under large deductible programs.~~

~~(F) Any other premium debits or credits.~~ **direct written premium.**

(5) The amount of the assessment for each self-insured employer equals:

(A) the total amount of assessments allocated to self-insured employers under subdivision (1); multiplied by

(B) the quotient of:

(i) the paid losses attributable to the self-insured employer during the preceding calendar year; divided by

(ii) paid losses attributable to all self-insured employers during the preceding calendar year.

An employer that has ceased to be a self-insurer continues to be liable for prorated assessments based on paid losses made by the employer in the preceding calendar year during the period that the employer was

1 self-insured.

2 (e) The board may employ a qualified employee or enter into a
3 contract with an actuary or another qualified firm that has experience
4 in calculating worker's compensation liabilities. Not later than
5 December 1 of each year, the actuary or other qualified firm shall
6 calculate the recommended funding level of the fund and inform the
7 board of the results of the calculation. If the amount to the credit of the
8 fund is less than the amount required under subsection (c), the board
9 may conduct an assessment under subsection (c). The board shall pay
10 the costs of the contract under this subsection with money in the fund.

11 (f) An assessment collected under subsection (c) on an employer
12 who is not self-insured must be assessed through a surcharge based on
13 the employer's premium. An assessment collected under subsection (c)
14 does not constitute an element of loss, but for the purpose of collection
15 shall be treated as a separate cost imposed upon insured employers. A
16 premium surcharge under this subsection must be collected at the same
17 time and in the same manner in which the premium for coverage is
18 collected, and must be shown as a separate amount on a premium
19 statement. A premium surcharge under this subsection must be
20 excluded from the definition of premium for all purposes, including the
21 computation of insurance producer commissions or premium taxes.
22 However, an insurer may cancel a worker's compensation policy for
23 nonpayment of the premium surcharge. A cancellation under this
24 subsection must be carried out under the statutes applicable to the
25 nonpayment of premiums.

26 (g) The sums shall be paid by the board to the treasurer of state, to
27 be deposited in a special account known as the second injury fund. The
28 funds are not a part of the general fund of the state. Any balance
29 remaining in the account at the end of any fiscal year shall not revert
30 to the general fund. The funds shall be used only for the payment of
31 awards of compensation ordered by the board and chargeable against
32 the fund pursuant to this section, and shall be paid for that purpose by
33 the treasurer of state upon award or order of the board.

34 (h) If an employee who is entitled to compensation under IC 22-3-2
35 through IC 22-3-6 either:

36 (1) exhausts the maximum benefits under section 22 of this
37 chapter without having received the full amount of award granted
38 to the employee under section 10 of this chapter; or

1 (2) exhausts the employee's benefits under section 10 of this
2 chapter;

3 then such employee may apply to the board, who may award the
4 employee compensation from the second injury fund established by this
5 section, as follows under subsection (i).

6 (i) An employee who has exhausted the employee's maximum
7 benefits under section 10 of this chapter may be awarded additional
8 compensation equal to sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the
9 employee's average weekly wage at the time of the employee's injury,
10 not to exceed the maximum then applicable under section 22 of this
11 chapter, for a period of not to exceed one hundred fifty (150) weeks
12 upon competent evidence sufficient to establish:

13 (1) that the employee is totally and permanently disabled from
14 causes and conditions of which there are or have been objective
15 conditions and symptoms proven that are not within the physical
16 or mental control of the employee; and

17 (2) that the employee is unable to support the employee in any
18 gainful employment, not associated with rehabilitative or
19 vocational therapy.

20 (j) The additional award may be renewed during the employee's total
21 and permanent disability after appropriate hearings by the board for
22 successive periods not to exceed one hundred fifty (150) weeks each.
23 The provisions of this section apply only to injuries occurring
24 subsequent to April 1, 1950, for which awards have been or are in the
25 future made by the board under section 10 of this chapter. Section 16
26 of this chapter does not apply to compensation awarded from the
27 second injury fund under this section.

28 (k) All insurance carriers subject to an assessment under this section
29 are required to provide to the board:

30 (1) not later than January 31 each calendar year; and

31 (2) not later than thirty (30) days after a change occurs;

32 the name, address, and electronic mail address of a representative
33 authorized to receive the notice of an assessment.

34 SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.134-2006,
35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2007]: Sec. 22. (a) In computing compensation for temporary
37 total disability, temporary partial disability, and total permanent
38 disability, with respect to injuries occurring on and after July 1, 1985,

1 and before July 1, 1986, the average weekly wages are considered to
2 be:

3 (1) not more than two hundred sixty-seven dollars (\$267); and

4 (2) not less than seventy-five dollars (\$75).

5 However, the weekly compensation payable shall not exceed the
6 average weekly wages of the employee at the time of the injury.

7 (b) In computing compensation for temporary total disability,
8 temporary partial disability, and total permanent disability, with respect
9 to injuries occurring on and after July 1, 1986, and before July 1, 1988,
10 the average weekly wages are considered to be:

11 (1) not more than two hundred eighty-five dollars (\$285); and

12 (2) not less than seventy-five dollars (\$75).

13 However, the weekly compensation payable shall not exceed the
14 average weekly wages of the employee at the time of the injury.

15 (c) In computing compensation for temporary total disability,
16 temporary partial disability, and total permanent disability, with respect
17 to injuries occurring on and after July 1, 1988, and before July 1, 1989,
18 the average weekly wages are considered to be:

19 (1) not more than three hundred eighty-four dollars (\$384); and

20 (2) not less than seventy-five dollars (\$75).

21 However, the weekly compensation payable shall not exceed the
22 average weekly wages of the employee at the time of the injury.

23 (d) In computing compensation for temporary total disability,
24 temporary partial disability, and total permanent disability, with respect
25 to injuries occurring on and after July 1, 1989, and before July 1, 1990,
26 the average weekly wages are considered to be:

27 (1) not more than four hundred eleven dollars (\$411); and

28 (2) not less than seventy-five dollars (\$75).

29 However, the weekly compensation payable shall not exceed the
30 average weekly wages of the employee at the time of the injury.

31 (e) In computing compensation for temporary total disability,
32 temporary partial disability, and total permanent disability, with respect
33 to injuries occurring on and after July 1, 1990, and before July 1, 1991,
34 the average weekly wages are considered to be:

35 (1) not more than four hundred forty-one dollars (\$441); and

36 (2) not less than seventy-five dollars (\$75).

37 However, the weekly compensation payable shall not exceed the
38 average weekly wages of the employee at the time of the injury.

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

(1) not more than four hundred ninety-two dollars (\$492); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

(1) not more than five hundred forty dollars (\$540); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

(1) not more than five hundred ninety-one dollars (\$591); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

(1) not more than six hundred forty-two dollars (\$642); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

- 1 (B) not less than seventy-five dollars (\$75);
- 2 (2) with respect to injuries occurring on and after July 1, 1998,
- 3 and before July 1, 1999:
- 4 (A) not more than seven hundred two dollars (\$702); and
- 5 (B) not less than seventy-five dollars (\$75);
- 6 (3) with respect to injuries occurring on and after July 1, 1999,
- 7 and before July 1, 2000:
- 8 (A) not more than seven hundred thirty-two dollars (\$732);
- 9 and
- 10 (B) not less than seventy-five dollars (\$75);
- 11 (4) with respect to injuries occurring on and after July 1, 2000,
- 12 and before July 1, 2001:
- 13 (A) not more than seven hundred sixty-two dollars (\$762); and
- 14 (B) not less than seventy-five dollars (\$75);
- 15 (5) with respect to injuries occurring on and after July 1, 2001,
- 16 and before July 1, 2002:
- 17 (A) not more than eight hundred twenty-two dollars (\$822);
- 18 and
- 19 (B) not less than seventy-five dollars (\$75);
- 20 (6) with respect to injuries occurring on and after July 1, 2002,
- 21 and before July 1, 2006:
- 22 (A) not more than eight hundred eighty-two dollars (\$882);
- 23 and
- 24 (B) not less than seventy-five dollars (\$75);
- 25 (7) with respect to injuries occurring on and after July 1, 2006,
- 26 and before July 1, 2007:
- 27 (A) not more than nine hundred dollars (\$900); and
- 28 (B) not less than seventy-five dollars (\$75);
- 29 (8) with respect to injuries occurring on and after July 1, 2007,
- 30 and before July 1, 2008:
- 31 (A) not more than nine hundred ~~thirty~~ **thirty-four** dollars
- 32 ~~(\$930);~~ **(\$934)**; and
- 33 (B) not less than seventy-five dollars (\$75);
- 34 (9) with respect to injuries occurring on and after July 1, 2008,
- 35 and before July 1, 2009:
- 36 (A) not more than nine hundred ~~fifty-four~~ **seventy** dollars
- 37 ~~(\$954);~~ **(\$970)**; and
- 38 (B) not less than seventy-five dollars (\$75); ~~and~~

(10) with respect to injuries occurring on and after July 1, 2009,
and before July 1, 2010:

(A) not more than ~~nine hundred seventy-five~~ **one thousand seven** dollars (~~\$975~~); (**\$1,007**); and

(B) not less than seventy-five dollars (\$75); **and**

(11) with respect to injuries occurring on and after July 1, 2010:

(A) not more than one thousand forty-five dollars (\$1,045);

and

(B) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(k) With respect to any injury occurring on and after July 1, 1985, and before July 1, 1986, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) With respect to any injury occurring on and after July 1, 1986, and before July 1, 1988, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) With respect to any injury occurring on and after July 1, 1988, and before July 1, 1989, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) With respect to any injury occurring on and after July 1, 1989, and before July 1, 1990, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) With respect to any injury occurring on and after July 1, 1990, and before July 1, 1991, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) With respect to any injury occurring on and after July 1, 1991,

1 and before July 1, 1992, the maximum compensation, exclusive of
2 medical benefits, that may be paid for an injury under any provisions
3 of this law or any combination of provisions may not exceed one
4 hundred sixty-four thousand dollars (\$164,000) in any case.

5 (q) With respect to any injury occurring on and after July 1, 1992,
6 and before July 1, 1993, the maximum compensation, exclusive of
7 medical benefits, that may be paid for an injury under any provisions
8 of this law or any combination of provisions may not exceed one
9 hundred eighty thousand dollars (\$180,000) in any case.

10 (r) With respect to any injury occurring on and after July 1, 1993,
11 and before July 1, 1994, the maximum compensation, exclusive of
12 medical benefits, that may be paid for an injury under any provisions
13 of this law or any combination of provisions may not exceed one
14 hundred ninety-seven thousand dollars (\$197,000) in any case.

15 (s) With respect to any injury occurring on and after July 1, 1994,
16 and before July 1, 1997, the maximum compensation, exclusive of
17 medical benefits, which may be paid for an injury under any provisions
18 of this law or any combination of provisions may not exceed two
19 hundred fourteen thousand dollars (\$214,000) in any case.

20 (t) The maximum compensation, exclusive of medical benefits, that
21 may be paid for an injury under any provision of this law or any
22 combination of provisions may not exceed the following amounts in
23 any case:

24 (1) With respect to an injury occurring on and after July 1, 1997,
25 and before July 1, 1998, two hundred twenty-four thousand
26 dollars (\$224,000).

27 (2) With respect to an injury occurring on and after July 1, 1998,
28 and before July 1, 1999, two hundred thirty-four thousand dollars
29 (\$234,000).

30 (3) With respect to an injury occurring on and after July 1, 1999,
31 and before July 1, 2000, two hundred forty-four thousand dollars
32 (\$244,000).

33 (4) With respect to an injury occurring on and after July 1, 2000,
34 and before July 1, 2001, two hundred fifty-four thousand dollars
35 (\$254,000).

36 (5) With respect to an injury occurring on and after July 1, 2001,
37 and before July 1, 2002, two hundred seventy-four thousand
38 dollars (\$274,000).

1 (6) With respect to an injury occurring on and after July 1, 2002,
2 and before July 1, 2006, two hundred ninety-four thousand dollars
3 (\$294,000).

4 (7) With respect to an injury occurring on and after July 1, 2006,
5 and before July 1, 2007, three hundred thousand dollars
6 (\$300,000).

7 (8) With respect to an injury occurring on and after July 1, 2007,
8 and before July 1, 2008, three hundred ~~ten~~ **eleven** thousand ~~four~~
9 **hundred thirty** dollars ~~(\$310,000)~~. **(\$311,430)**.

10 (9) With respect to an injury occurring on and after July 1, 2008,
11 and before July 1, 2009, three hundred ~~eighteen~~ **twenty-three**
12 thousand ~~two hundred ninety-five~~ dollars ~~(\$318,000)~~.
13 **(\$323,295)**.

14 (10) With respect to an injury occurring on and after July 1, 2009,
15 **and before July 1, 2010**, three hundred ~~twenty-five~~ **thirty-five**
16 thousand ~~six hundred thirteen~~ dollars ~~(\$325,000)~~. **(\$335,613)**.

17 **(11) With respect to an injury occurring on and after July 1,**
18 **2010, three hundred forty-eight thousand four hundred**
19 **dollars (\$348,400).**

20 SECTION 5. IC 22-3-7-16, AS AMENDED BY P.L.134-2006,
21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2007]: Sec. 16. (a) Compensation shall be allowed on account
23 of disablement from occupational disease resulting in only temporary
24 total disability to work or temporary partial disability to work
25 beginning with the eighth day of such disability except for the medical
26 benefits provided for in section 17 of this chapter. Compensation shall
27 be allowed for the first seven (7) calendar days only as provided in this
28 section. The first weekly installment of compensation for temporary
29 disability is due fourteen (14) days after the disability begins. Not later
30 than fifteen (15) days from the date that the first installment of
31 compensation is due, the employer or the employer's insurance carrier
32 shall tender to the employee or to the employee's dependents, with all
33 compensation due, a properly prepared compensation agreement in a
34 form prescribed by the board. Whenever an employer or the employer's
35 insurance carrier denies or is not able to determine liability to pay
36 compensation or benefits, the employer or the employer's insurance
37 carrier shall notify the worker's compensation board and the employee
38 in writing on a form prescribed by the worker's compensation board not

1 later than thirty (30) days after the employer's knowledge of the
 2 claimed disablement. If a determination of liability cannot be made
 3 within thirty (30) days, the worker's compensation board may approve
 4 an additional thirty (30) days upon a written request of the employer or
 5 the employer's insurance carrier that sets forth the reasons that the
 6 determination could not be made within thirty (30) days and states the
 7 facts or circumstances that are necessary to determine liability within
 8 the additional thirty (30) days. More than thirty (30) days of additional
 9 time may be approved by the worker's compensation board upon the
 10 filing of a petition by the employer or the employer's insurance carrier
 11 that sets forth:

- 12 (1) the extraordinary circumstances that have precluded a
- 13 determination of liability within the initial sixty (60) days;
- 14 (2) the status of the investigation on the date the petition is filed;
- 15 (3) the facts or circumstances that are necessary to make a
- 16 determination; and
- 17 (4) a timetable for the completion of the remaining investigation.

18 An employer who fails to comply with this section is subject to a civil
 19 penalty of fifty dollars (\$50), to be assessed and collected by the board
 20 upon notice and hearing. Civil penalties collected under this section
 21 shall be deposited in the state general fund.

22 (b) Once begun, temporary total disability benefits may not be
 23 terminated by the employer unless:

- 24 (1) the employee has returned to work;
- 25 (2) the employee has died;
- 26 (3) the employee has refused to undergo a medical examination
- 27 under section 20 of this chapter;
- 28 (4) the employee has received five hundred (500) weeks of
- 29 temporary total disability benefits or has been paid the maximum
- 30 compensation allowable under section 19 of this chapter; or
- 31 (5) the employee is unable or unavailable to work for reasons
- 32 unrelated to the compensable disease.

33 In all other cases the employer must notify the employee in writing of
 34 the employer's intent to terminate the payment of temporary total
 35 disability benefits, and of the availability of employment, if any, on a
 36 form approved by the board. If the employee disagrees with the
 37 proposed termination, the employee must give written notice of
 38 disagreement to the board and the employer within seven (7) days after

1 receipt of the notice of intent to terminate benefits. If the board and
2 employer do not receive a notice of disagreement under this section,
3 the employee's temporary total disability benefits shall be terminated.
4 Upon receipt of the notice of disagreement, the board shall immediately
5 contact the parties, which may be by telephone or other means, and
6 attempt to resolve the disagreement. If the board is unable to resolve
7 the disagreement within ten (10) days of receipt of the notice of
8 disagreement, the board shall immediately arrange for an evaluation of
9 the employee by an independent medical examiner. The independent
10 medical examiner shall be selected by mutual agreement of the parties
11 or, if the parties are unable to agree, appointed by the board under
12 IC 22-3-4-11. If the independent medical examiner determines that the
13 employee is no longer temporarily disabled or is still temporarily
14 disabled but can return to employment that the employer has made
15 available to the employee, or if the employee fails or refuses to appear
16 for examination by the independent medical examiner, temporary total
17 disability benefits may be terminated. If either party disagrees with the
18 opinion of the independent medical examiner, the party shall apply to
19 the board for a hearing under section 27 of this chapter.

20 (c) An employer is not required to continue the payment of
21 temporary total disability benefits for more than fourteen (14) days
22 after the employer's proposed termination date unless the independent
23 medical examiner determines that the employee is temporarily disabled
24 and unable to return to any employment that the employer has made
25 available to the employee.

26 (d) If it is determined that as a result of this section temporary total
27 disability benefits were overpaid, the overpayment shall be deducted
28 from any benefits due the employee under this section and, if there are
29 no benefits due the employee or the benefits due the employee do not
30 equal the amount of the overpayment, the employee shall be
31 responsible for paying any overpayment which cannot be deducted
32 from benefits due the employee.

33 (e) For disablements occurring on and after July 1, 1976, from
34 occupational disease resulting in temporary total disability for any work
35 there shall be paid to the disabled employee during the temporary total
36 disability weekly compensation equal to sixty-six and two-thirds
37 percent (66 2/3%) of the employee's average weekly wages, as defined
38 in section 19 of this chapter, for a period not to exceed five hundred

1 (500) weeks. Compensation shall be allowed for the first seven (7)
2 calendar days only if the disability continues for longer than twenty-one
3 (21) days.

4 (f) For disablements occurring on and after July 1, 1974, from
5 occupational disease resulting in temporary partial disability for work
6 there shall be paid to the disabled employee during such disability a
7 weekly compensation equal to sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the difference between the employee's average weekly wages,
8 as defined in section 19 of this chapter, and the weekly wages at which
9 the employee is actually employed after the disablement, for a period
10 not to exceed three hundred (300) weeks. Compensation shall be
11 allowed for the first seven (7) calendar days only if the disability
12 continues for longer than twenty-one (21) days. In case of partial
13 disability after the period of temporary total disability, the latter period
14 shall be included as a part of the maximum period allowed for partial
15 disability.
16

17 (g) For disabilities occurring on and after July 1, 1979, and before
18 July 1, 1988, from occupational disease in the schedule set forth in
19 subsection (j), the employee shall receive in addition to disability
20 benefits, not exceeding fifty-two (52) weeks on account of the
21 occupational disease, a weekly compensation of sixty percent (60%) of
22 the employee's average weekly wages, not to exceed one hundred
23 twenty-five dollars (\$125) average weekly wages, for the period stated
24 for the disabilities.

25 (h) For disabilities occurring on and after July 1, 1988, and before
26 July 1, 1989, from occupational disease in the schedule set forth in
27 subsection (j), the employee shall receive in addition to disability
28 benefits, not exceeding seventy-eight (78) weeks on account of the
29 occupational disease, a weekly compensation of sixty percent (60%) of
30 the employee's average weekly wages, not to exceed one hundred
31 sixty-six dollars (\$166) average weekly wages, for the period stated for
32 the disabilities.

33 (i) For disabilities occurring on and after July 1, 1989, and before
34 July 1, 1990, from occupational disease in the schedule set forth in
35 subsection (j), the employee shall receive in addition to disability
36 benefits, not exceeding seventy-eight (78) weeks on account of the
37 occupational disease, a weekly compensation of sixty percent (60%) of
38 the employee's average weekly wages, not to exceed one hundred

1 eighty-three dollars (\$183) average weekly wages, for the period stated
2 for the disabilities.

3 (j) For disabilities occurring on and after July 1, 1990, and before
4 July 1, 1991, from occupational disease in the following schedule, the
5 employee shall receive in addition to disability benefits, not exceeding
6 seventy-eight (78) weeks on account of the occupational disease, a
7 weekly compensation of sixty percent (60%) of the employee's average
8 weekly wages, not to exceed two hundred dollars (\$200) average
9 weekly wages, for the period stated for the disabilities.

10 (1) Amputations: For the loss by separation, of the thumb, sixty
11 (60) weeks; of the index finger, forty (40) weeks; of the second
12 finger, thirty-five (35) weeks; of the third or ring finger, thirty
13 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the
14 hand by separation below the elbow, two hundred (200) weeks; of
15 the arm above the elbow joint, two hundred fifty (250) weeks; of
16 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;
17 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)
18 weeks; of the fifth or little toe, ten (10) weeks; of the foot below
19 the knee joint, one hundred fifty (150) weeks; and of the leg
20 above the knee joint, two hundred (200) weeks. The loss of more
21 than one (1) phalange of a thumb or toe shall be considered as the
22 loss of the entire thumb or toe. The loss of more than two (2)
23 phalanges of a finger shall be considered as the loss of the entire
24 finger. The loss of not more than one (1) phalange of a thumb or
25 toe shall be considered as the loss of one-half (1/2) of the thumb
26 or toe and compensation shall be paid for one-half (1/2) of the
27 period for the loss of the entire thumb or toe. The loss of not more
28 than two (2) phalanges of a finger shall be considered as the loss
29 of one-half (1/2) the finger and compensation shall be paid for
30 one-half (1/2) of the period for the loss of the entire finger.

31 (2) Loss of Use: The total permanent loss of the use of an arm,
32 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
33 as the equivalent of the loss by separation of the arm, hand,
34 thumb, finger, leg, foot, toe, or phalange and the compensation
35 shall be paid for the same period as for the loss thereof by
36 separation.

37 (3) Partial Loss of Use: For the permanent partial loss of the use
38 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,

1 compensation shall be paid for the proportionate loss of the use of
2 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

3 (4) For disablements for occupational disease resulting in total
4 permanent disability, five hundred (500) weeks.

5 (5) For the loss of both hands, or both feet, or the total sight of
6 both eyes, or any two (2) of such losses resulting from the same
7 disablement by occupational disease, five hundred (500) weeks.

8 (6) For the permanent and complete loss of vision by enucleation
9 of an eye or its reduction to one-tenth (1/10) of normal vision with
10 glasses, one hundred fifty (150) weeks, and for any other
11 permanent reduction of the sight of an eye, compensation shall be
12 paid for a period proportionate to the degree of such permanent
13 reduction without correction or glasses. However, when such
14 permanent reduction without correction or glasses would result in
15 one hundred percent (100%) loss of vision, but correction or
16 glasses would result in restoration of vision, then compensation
17 shall be paid for fifty percent (50%) of such total loss of vision
18 without glasses plus an additional amount equal to the
19 proportionate amount of such reduction with glasses, not to
20 exceed an additional fifty percent (50%).

21 (7) For the permanent and complete loss of hearing, two hundred
22 (200) weeks.

23 (8) In all other cases of permanent partial impairment,
24 compensation proportionate to the degree of such permanent
25 partial impairment, in the discretion of the worker's compensation
26 board, not exceeding five hundred (500) weeks.

27 (9) In all cases of permanent disfigurement, which may impair the
28 future usefulness or opportunities of the employee, compensation
29 in the discretion of the worker's compensation board, not
30 exceeding two hundred (200) weeks, except that no compensation
31 shall be payable under this paragraph where compensation shall
32 be payable under subdivisions (1) through (8). Where
33 compensation for temporary total disability has been paid, this
34 amount of compensation shall be deducted from any
35 compensation due for permanent disfigurement.

36 (k) With respect to disablements in the following schedule occurring
37 on and after July 1, 1991, the employee shall receive in addition to
38 temporary total disability benefits, not exceeding one hundred

1 twenty-five (125) weeks on account of the disablement, compensation
 2 in an amount determined under the following schedule to be paid
 3 weekly at a rate of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the
 4 employee's average weekly wages during the fifty-two (52) weeks
 5 immediately preceding the week in which the disablement occurred:

6 (1) Amputation: For the loss by separation of the thumb, twelve
 7 (12) degrees of permanent impairment; of the index finger, eight
 8 (8) degrees of permanent impairment; of the second finger, seven
 9 (7) degrees of permanent impairment; of the third or ring finger,
 10 six (6) degrees of permanent impairment; of the fourth or little
 11 finger, four (4) degrees of permanent impairment; of the hand by
 12 separation below the elbow joint, forty (40) degrees of permanent
 13 impairment; of the arm above the elbow, fifty (50) degrees of
 14 permanent impairment; of the big toe, twelve (12) degrees of
 15 permanent impairment; of the second toe, six (6) degrees of
 16 permanent impairment; of the third toe, four (4) degrees of
 17 permanent impairment; of the fourth toe, three (3) degrees of
 18 permanent impairment; of the fifth or little toe, two (2) degrees of
 19 permanent impairment; of separation of the foot below the knee
 20 joint, thirty-five (35) degrees of permanent impairment; and of the
 21 leg above the knee joint, forty-five (45) degrees of permanent
 22 impairment.

23 (2) Amputations occurring on or after July 1, 1997: For the loss
 24 by separation of any of the body parts described in subdivision (1)
 25 on or after July 1, 1997, the dollar values per degree applying on
 26 the date of the injury as described in subsection (l) shall be
 27 multiplied by two (2). However, the doubling provision of this
 28 subdivision does not apply to a loss of use that is not a loss by
 29 separation.

30 (3) The loss of more than one (1) phalange of a thumb or toe shall
 31 be considered as the loss of the entire thumb or toe. The loss of
 32 more than two (2) phalanges of a finger shall be considered as the
 33 loss of the entire finger. The loss of not more than one (1)
 34 phalange of a thumb or toe shall be considered as the loss of
 35 one-half ($1/2$) of the degrees of permanent impairment for the loss
 36 of the entire thumb or toe. The loss of not more than one (1)
 37 phalange of a finger shall be considered as the loss of one-third
 38 ($1/3$) of the finger and compensation shall be paid for one-third

(1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation

1 shall be paid for fifty percent (50%) of the total loss of vision
 2 without glasses, plus an additional amount equal to the
 3 proportionate amount of the reduction with glasses, not to exceed
 4 an additional fifty percent (50%).

5 (12) For any permanent reduction of the hearing of one (1) or both
 6 ears, less than the total loss as specified in subdivision (6),
 7 compensation shall be paid in an amount proportionate to the
 8 degree of a permanent reduction.

9 (13) In all other cases of permanent partial impairment,
 10 compensation proportionate to the degree of a permanent partial
 11 impairment, in the discretion of the worker's compensation board,
 12 not exceeding one hundred (100) degrees of permanent
 13 impairment.

14 (14) In all cases of permanent disfigurement which may impair
 15 the future usefulness or opportunities of the employee,
 16 compensation, in the discretion of the worker's compensation
 17 board, not exceeding forty (40) degrees of permanent impairment
 18 except that no compensation shall be payable under this
 19 subdivision where compensation is payable elsewhere in this
 20 section.

21 (l) With respect to disablements occurring on and after July 1, 1991,
 22 compensation for permanent partial impairment shall be paid according
 23 to the degree of permanent impairment for the disablement determined
 24 under subsection (k) and the following:

25 (1) With respect to disablements occurring on and after July 1,
 26 1991, and before July 1, 1992, for each degree of permanent
 27 impairment from one (1) to thirty-five (35), five hundred dollars
 28 (\$500) per degree; for each degree of permanent impairment from
 29 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per
 30 degree; for each degree of permanent impairment above fifty (50),
 31 one thousand five hundred dollars (\$1,500) per degree.

32 (2) With respect to disablements occurring on and after July 1,
 33 1992, and before July 1, 1993, for each degree of permanent
 34 impairment from one (1) to twenty (20), five hundred dollars
 35 (\$500) per degree; for each degree of permanent impairment from
 36 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
 37 per degree; for each degree of permanent impairment from
 38 thirty-six (36) to fifty (50), one thousand three hundred dollars

1 (\$1,300) per degree; for each degree of permanent impairment
2 above fifty (50), one thousand seven hundred dollars (\$1,700) per
3 degree.

4 (3) With respect to disablements occurring on and after July 1,
5 1993, and before July 1, 1997, for each degree of permanent
6 impairment from one (1) to ten (10), five hundred dollars (\$500)
7 per degree; for each degree of permanent impairment from eleven
8 (11) to twenty (20), seven hundred dollars (\$700) per degree; for
9 each degree of permanent impairment from twenty-one (21) to
10 thirty-five (35), one thousand dollars (\$1,000) per degree; for
11 each degree of permanent impairment from thirty-six (36) to fifty
12 (50), one thousand four hundred dollars (\$1,400) per degree; for
13 each degree of permanent impairment above fifty (50), one
14 thousand seven hundred dollars (\$1,700) per degree.

15 (4) With respect to disablements occurring on and after July 1,
16 1997, and before July 1, 1998, for each degree of permanent
17 impairment from one (1) to ten (10), seven hundred fifty dollars
18 (\$750) per degree; for each degree of permanent impairment from
19 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
20 degree; for each degree of permanent impairment from thirty-six
21 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
22 degree; for each degree of permanent impairment above fifty (50),
23 one thousand seven hundred dollars (\$1,700) per degree.

24 (5) With respect to disablements occurring on and after July 1,
25 1998, and before July 1, 1999, for each degree of permanent
26 impairment from one (1) to ten (10), seven hundred fifty dollars
27 (\$750) per degree; for each degree of permanent impairment from
28 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
29 degree; for each degree of permanent impairment from thirty-six
30 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
31 degree; for each degree of permanent impairment above fifty (50),
32 one thousand seven hundred dollars (\$1,700) per degree.

33 (6) With respect to disablements occurring on and after July 1,
34 1999, and before July 1, 2000, for each degree of permanent
35 impairment from one (1) to ten (10), nine hundred dollars (\$900)
36 per degree; for each degree of permanent impairment from eleven
37 (11) to thirty-five (35), one thousand one hundred dollars
38 (\$1,100) per degree; for each degree of permanent impairment

1 from thirty-six (36) to fifty (50), one thousand six hundred dollars
 2 (\$1,600) per degree; for each degree of permanent impairment
 3 above fifty (50), two thousand dollars (\$2,000) per degree.

4 (7) With respect to disablements occurring on and after July 1,
 5 2000, and before July 1, 2001, for each degree of permanent
 6 impairment from one (1) to ten (10), one thousand one hundred
 7 dollars (\$1,100) per degree; for each degree of permanent
 8 impairment from eleven (11) to thirty-five (35), one thousand
 9 three hundred dollars (\$1,300) per degree; for each degree of
 10 permanent impairment from thirty-six (36) to fifty (50), two
 11 thousand dollars (\$2,000) per degree; for each degree of
 12 permanent impairment above fifty (50), two thousand five
 13 hundred fifty dollars (\$2,500) per degree.

14 (8) With respect to disablements occurring on and after July 1,
 15 2001, and before July 1, 2007, for each degree of permanent
 16 impairment from one (1) to ten (10), one thousand three hundred
 17 dollars (\$1,300) per degree; for each degree of permanent
 18 impairment from eleven (11) to thirty-five (35), one thousand five
 19 hundred dollars (\$1,500) per degree; for each degree of
 20 permanent impairment from thirty-six (36) to fifty (50), two
 21 thousand four hundred dollars (\$2,400) per degree; for each
 22 degree of permanent impairment above fifty (50), three thousand
 23 dollars (\$3,000) per degree.

24 (9) With respect to disablements occurring on and after July 1,
 25 2007, and before July 1, 2008, for each degree of permanent
 26 impairment from one (1) to ten (10), one thousand three hundred
 27 ~~forty fifty~~ dollars ~~(\$1,340)~~ **(\$1,350)** per degree; for each degree
 28 of permanent impairment from eleven (11) to thirty-five (35), one
 29 thousand five hundred ~~forty-five~~ **fifty-seven** dollars ~~(\$1,545)~~
 30 **(\$1,557)** per degree; for each degree of permanent impairment
 31 from thirty-six (36) to fifty (50), two thousand four hundred
 32 ~~seventy-five~~ **ninety-one** dollars ~~(\$2,475)~~ **(\$2,491)** per degree; for
 33 each degree of permanent impairment above fifty (50), three
 34 thousand one hundred fifty dollars (\$3,150) per degree.

35 (10) With respect to disablements occurring on and after July 1,
 36 2008, and before July 1, 2009, for each degree of permanent
 37 impairment from one (1) to ten (10), one thousand ~~three~~ **four**
 38 hundred ~~sixty-five~~ **one** dollars ~~(\$1,365)~~ **(\$1,401)** per degree; for

each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five~~ **six** hundred ~~seventy~~ **sixteen** dollars ~~(\$1,570)~~ **(\$1,616)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred ~~twenty-five~~ **eighty-six** dollars ~~(\$2,525)~~ **(\$2,586)** per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred **seventy** dollars ~~(\$3,200)~~ **(\$3,270)** per degree.

(11) With respect to disablements occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three~~ **four** hundred ~~eighty~~ **fifty-four** dollars ~~(\$1,380)~~ **(\$1,454)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five~~ **six** hundred ~~eighty-five~~ **seventy-eight** dollars ~~(\$1,585)~~ **(\$1,678)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred ~~eighty-five~~ **eighty-five** dollars ~~(\$2,600)~~ **(\$2,685)** per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred ~~ninety-five~~ **ninety-five** dollars ~~(\$3,300)~~ **(\$3,395)** per degree.

(12) With respect to disablements occurring on and after July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~four~~ **five** hundred ~~nine~~ **nine** dollars ~~(\$1,400)~~ **(\$1,509)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~six~~ **seven** hundred ~~forty-two~~ **forty-two** dollars ~~(\$1,600)~~ **(\$1,742)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred ~~eighty-seven~~ **eighty-seven** dollars ~~(\$2,700)~~ **(\$2,787)** per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred ~~twenty-four~~ **twenty-four** dollars ~~(\$3,500)~~ **(\$3,524)** per degree.

(m) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (k) and (l) shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1,

- 1 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- 2 (3) With respect to disablements occurring on or after July 1,
- 3 1993, and before July 1, 1994, five hundred ninety-one dollars
- 4 (\$591).
- 5 (4) With respect to disablements occurring on or after July 1,
- 6 1994, and before July 1, 1997, six hundred forty-two dollars
- 7 (\$642).
- 8 (5) With respect to disablements occurring on or after July 1,
- 9 1997, and before July 1, 1998, six hundred seventy-two dollars
- 10 (\$672).
- 11 (6) With respect to disablements occurring on or after July 1,
- 12 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 13 (7) With respect to disablements occurring on or after July 1,
- 14 1999, and before July 1, 2000, seven hundred thirty-two dollars
- 15 (\$732).
- 16 (8) With respect to disablements occurring on or after July 1,
- 17 2000, and before July 1, 2001, seven hundred sixty-two dollars
- 18 (\$762).
- 19 (9) With respect to injuries occurring on or after July 1, 2001, and
- 20 before July 1, 2002, eight hundred twenty-two dollars (\$822).
- 21 (10) With respect to injuries occurring on or after July 1, 2002,
- 22 and before July 1, 2006, eight hundred eighty-two dollars (\$882).
- 23 (11) With respect to injuries occurring on or after July 1, 2006,
- 24 and before July 1, 2007, nine hundred dollars (\$900).
- 25 (12) With respect to injuries occurring on or after July 1, 2007,
- 26 and before July 1, 2008, nine hundred ~~thirty~~ **thirty-four** dollars
- 27 ~~(\$930):~~ **(\$934)**.
- 28 (13) With respect to injuries occurring on or after July 1, 2008,
- 29 and before July 1, 2009, nine hundred ~~fifty-four~~ **seventy** dollars
- 30 ~~(\$954):~~ **(\$970)**.
- 31 (14) With respect to injuries occurring on or after July 1, 2009,
- 32 ~~nine hundred seventy-five~~ **and before July 1, 2010, one**
- 33 **thousand seven** dollars ~~(\$975):~~ **(\$1,007)**.
- 34 **(15) With respect to injuries occurring on or after July 1,**
- 35 **2010, one thousand forty-five dollars (\$1,045).**
- 36 (n) If any employee, only partially disabled, refuses employment
- 37 suitable to the employee's capacity procured for the employee, the
- 38 employee shall not be entitled to any compensation at any time during

1 the continuance of such refusal unless, in the opinion of the worker's
2 compensation board, such refusal was justifiable. The employee must
3 be served with a notice setting forth the consequences of the refusal
4 under this subsection. The notice must be in a form prescribed by the
5 worker's compensation board.

6 (o) If an employee has sustained a permanent impairment or
7 disability from an accidental injury other than an occupational disease
8 in another employment than that in which the employee suffered a
9 subsequent disability from an occupational disease, such as herein
10 specified, the employee shall be entitled to compensation for the
11 subsequent disability in the same amount as if the previous impairment
12 or disability had not occurred. However, if the permanent impairment
13 or disability resulting from an occupational disease for which
14 compensation is claimed results only in the aggravation or increase of
15 a previously sustained permanent impairment from an occupational
16 disease or physical condition regardless of the source or cause of such
17 previously sustained impairment from an occupational disease or
18 physical condition, the board shall determine the extent of the
19 previously sustained permanent impairment from an occupational
20 disease or physical condition as well as the extent of the aggravation or
21 increase resulting from the subsequent permanent impairment or
22 disability, and shall award compensation only for that part of said
23 occupational disease or physical condition resulting from the
24 subsequent permanent impairment. An amputation of any part of the
25 body or loss of any or all of the vision of one (1) or both eyes caused by
26 an occupational disease shall be considered as a permanent impairment
27 or physical condition.

28 (p) If an employee suffers a disablement from an occupational
29 disease for which compensation is payable while the employee is still
30 receiving or entitled to compensation for a previous injury by accident
31 or disability by occupational disease in the same employment, the
32 employee shall not at the same time be entitled to compensation for
33 both, unless it be for a permanent injury, such as specified in
34 subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall
35 be entitled to compensation for that disability and from the time of that
36 disability which will cover the longest period and the largest amount
37 payable under this chapter.

38 (q) If an employee receives a permanent disability from **an**

1 occupational disease such as specified in subsection (k)(1), (k)(4),
2 (k)(5), (k)(8), or (k)(9) after having sustained another such permanent
3 disability in the same employment, the employee shall be entitled to
4 compensation for both such disabilities, but the total compensation
5 shall be paid by extending the period and not by increasing the amount
6 of weekly compensation and, when such previous and subsequent
7 permanent disabilities, in combination result in total permanent
8 disability or permanent total impairment, compensation shall be
9 payable for such permanent total disability or impairment, but
10 payments made for the previous disability or impairment shall be
11 deducted from the total payment of compensation due.

12 (r) When an employee has been awarded or is entitled to an award
13 of compensation for a definite period from an occupational disease
14 wherein disablement occurs on and after April 1, 1963, and such
15 employee dies from other causes than such occupational disease,
16 payment of the unpaid balance of such compensation not exceeding
17 three hundred fifty (350) weeks shall be paid to the employee's
18 dependents of the second and third class as defined in sections 11
19 through 14 of this chapter and compensation not exceeding five
20 hundred (500) weeks shall be made to the employee's dependents of the
21 first class as defined in sections 11 through 14 of this chapter.

22 (s) Any payment made by the employer to the employee during the
23 period of the employee's disability, or to the employee's dependents,
24 which, by the terms of this chapter, was not due and payable when
25 made, may, subject to the approval of the worker's compensation board,
26 be deducted from the amount to be paid as compensation, but such
27 deduction shall be made from the distal end of the period during which
28 compensation must be paid, except in cases of temporary disability.

29 (t) When so provided in the compensation agreement or in the
30 award of the worker's compensation board, compensation may be paid
31 semimonthly, or monthly, instead of weekly.

32 (u) When the aggregate payments of compensation awarded by
33 agreement or upon hearing to an employee or dependent under eighteen
34 (18) years of age do not exceed one hundred dollars (\$100), the
35 payment thereof may be made directly to such employee or dependent,
36 except when the worker's compensation board shall order otherwise.

37 (v) Whenever the aggregate payments of compensation, due to any
38 person under eighteen (18) years of age, exceed one hundred dollars

1 (\$100), the payment thereof shall be made to a trustee, appointed by the
 2 circuit or superior court, or to a duly qualified guardian, or, upon the
 3 order of the worker's compensation board, to a parent or to such minor
 4 person. The payment of compensation, due to any person eighteen (18)
 5 years of age or over, may be made directly to such person.

6 (w) If an employee, or a dependent, is mentally incompetent, or a
 7 minor at the time when any right or privilege accrues to the employee
 8 under this chapter, the employee's guardian or trustee may, in the
 9 employee's behalf, claim and exercise such right and privilege.

10 (x) All compensation payments named and provided for in this
 11 section, shall mean and be defined to be for only such occupational
 12 diseases and disabilities therefrom as are proved by competent
 13 evidence, of which there are or have been objective conditions or
 14 symptoms proven, not within the physical or mental control of the
 15 employee.

16 SECTION 6. IC 22-3-7-19, AS AMENDED BY P.L.134-2006,
 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2007]: Sec. 19. (a) In computing compensation for temporary
 19 total disability, temporary partial disability, and total permanent
 20 disability, with respect to occupational diseases occurring on and after
 21 July 1, 1985, and before July 1, 1986, the average weekly wages are
 22 considered to be:

23 (1) not more than two hundred sixty-seven dollars (\$267); and

24 (2) not less than seventy-five dollars (\$75).

25 (b) In computing compensation for temporary total disability,
 26 temporary partial disability, and total permanent disability, with respect
 27 to occupational diseases occurring on and after July 1, 1986, and before
 28 July 1, 1988, the average weekly wages are considered to be:

29 (1) not more than two hundred eighty-five dollars (\$285); and

30 (2) not less than seventy-five dollars (\$75).

31 (c) In computing compensation for temporary total disability,
 32 temporary partial disability, and total permanent disability, with respect
 33 to occupational diseases occurring on and after July 1, 1988, and before
 34 July 1, 1989, the average weekly wages are considered to be:

35 (1) not more than three hundred eighty-four dollars (\$384); and

36 (2) not less than seventy-five dollars (\$75).

37 (d) In computing compensation for temporary total disability,
 38 temporary partial disability, and total permanent disability, with respect

1 to occupational diseases occurring on and after July 1, 1989, and before
2 July 1, 1990, the average weekly wages are considered to be:

3 (1) not more than four hundred eleven dollars (\$411); and

4 (2) not less than seventy-five dollars (\$75).

5 (e) In computing compensation for temporary total disability,
6 temporary partial disability, and total permanent disability, with respect
7 to occupational diseases occurring on and after July 1, 1990, and before
8 July 1, 1991, the average weekly wages are considered to be:

9 (1) not more than four hundred forty-one dollars (\$441); and

10 (2) not less than seventy-five dollars (\$75).

11 (f) In computing compensation for temporary total disability,
12 temporary partial disability, and total permanent disability, with respect
13 to occupational diseases occurring on and after July 1, 1991, and before
14 July 1, 1992, the average weekly wages are considered to be:

15 (1) not more than four hundred ninety-two dollars (\$492); and

16 (2) not less than seventy-five dollars (\$75).

17 (g) In computing compensation for temporary total disability,
18 temporary partial disability, and total permanent disability, with respect
19 to occupational diseases occurring on and after July 1, 1992, and before
20 July 1, 1993, the average weekly wages are considered to be:

21 (1) not more than five hundred forty dollars (\$540); and

22 (2) not less than seventy-five dollars (\$75).

23 (h) In computing compensation for temporary total disability,
24 temporary partial disability, and total permanent disability, with respect
25 to occupational diseases occurring on and after July 1, 1993, and before
26 July 1, 1994, the average weekly wages are considered to be:

27 (1) not more than five hundred ninety-one dollars (\$591); and

28 (2) not less than seventy-five dollars (\$75).

29 (i) In computing compensation for temporary total disability,
30 temporary partial disability and total permanent disability, with respect
31 to occupational diseases occurring on and after July 1, 1994, and before
32 July 1, 1997, the average weekly wages are considered to be:

33 (1) not more than six hundred forty-two dollars (\$642); and

34 (2) not less than seventy-five dollars (\$75).

35 (j) In computing compensation for temporary total disability,
36 temporary partial disability, and total permanent disability, the average
37 weekly wages are considered to be:

38 (1) with respect to occupational diseases occurring on and after

- 1 July 1, 1997, and before July 1, 1998:
- 2 (A) not more than six hundred seventy-two dollars (\$672); and
- 3 (B) not less than seventy-five dollars (\$75);
- 4 (2) with respect to occupational diseases occurring on and after
- 5 July 1, 1998, and before July 1, 1999:
- 6 (A) not more than seven hundred two dollars (\$702); and
- 7 (B) not less than seventy-five dollars (\$75);
- 8 (3) with respect to occupational diseases occurring on and after
- 9 July 1, 1999, and before July 1, 2000:
- 10 (A) not more than seven hundred thirty-two dollars (\$732);
- 11 and
- 12 (B) not less than seventy-five dollars (\$75);
- 13 (4) with respect to occupational diseases occurring on and after
- 14 July 1, 2000, and before July 1, 2001:
- 15 (A) not more than seven hundred sixty-two dollars (\$762); and
- 16 (B) not less than seventy-five dollars (\$75);
- 17 (5) with respect to disablements occurring on and after July 1,
- 18 2001, and before July 1, 2002:
- 19 (A) not more than eight hundred twenty-two dollars (\$822);
- 20 and
- 21 (B) not less than seventy-five dollars (\$75);
- 22 (6) with respect to disablements occurring on and after July 1,
- 23 2002, and before July 1, 2006:
- 24 (A) not more than eight hundred eighty-two dollars (\$882);
- 25 and
- 26 (B) not less than seventy-five dollars (\$75);
- 27 (7) with respect to disablements occurring on and after July 1,
- 28 2006, and before July 1, 2007:
- 29 (A) not more than nine hundred dollars (\$900); and
- 30 (B) not less than seventy-five dollars (\$75);
- 31 (8) with respect to disablements occurring on and after July 1,
- 32 2007, and before July 1, 2008:
- 33 (A) not more than nine hundred ~~thirty~~ **thirty-four** dollars
- 34 ~~(\$930);~~ **(\$934);** and
- 35 (B) not less than seventy-five dollars (\$75);
- 36 (9) with respect to disablements occurring on and after July 1,
- 37 2008, and before July 1, 2009:
- 38 (A) not more than nine hundred ~~fifty-four~~ **seventy** dollars

- 1 ~~(\$954); (\$970);~~ and
 2 (B) not less than seventy-five dollars (\$75);
 3 (10) with respect to disablements occurring on and after July 1,
 4 2009, **and before July 1, 2010:**
 5 (A) not more than ~~nine hundred seventy-five one thousand~~
 6 **seven** dollars ~~(\$975); (\$1,007);~~ and
 7 (B) not less than seventy-five dollars (\$75); **and**
 8 **(11) with respect to disablements occurring on and after July**
 9 **1, 2010:**
 10 **(A) not more than one thousand forty-five dollars (\$1,045);**
 11 **and**
 12 **(B) not less than seventy-five dollars (\$75).**
- 13 (k) The maximum compensation with respect to disability or death
 14 occurring on and after July 1, 1985, and before July 1, 1986, which
 15 shall be paid for occupational disease and the results thereof under the
 16 provisions of this chapter or under any combination of its provisions
 17 may not exceed eighty-nine thousand dollars (\$89,000) in any case.
- 18 (l) The maximum compensation with respect to disability or death
 19 occurring on and after July 1, 1986, and before July 1, 1988, which
 20 shall be paid for occupational disease and the results thereof under the
 21 provisions of this chapter or under any combination of its provisions
 22 may not exceed ninety-five thousand dollars (\$95,000) in any case.
- 23 (m) The maximum compensation with respect to disability or death
 24 occurring on and after July 1, 1988, and before July 1, 1989, that shall
 25 be paid for occupational disease and the results thereof under this
 26 chapter or under any combination of its provisions may not exceed one
 27 hundred twenty-eight thousand dollars (\$128,000) in any case.
- 28 (n) The maximum compensation with respect to disability or death
 29 occurring on and after July 1, 1989, and before July 1, 1990, that shall
 30 be paid for occupational disease and the results thereof under this
 31 chapter or under any combination of its provisions may not exceed one
 32 hundred thirty-seven thousand dollars (\$137,000) in any case.
- 33 (o) The maximum compensation with respect to disability or death
 34 occurring on and after July 1, 1990, and before July 1, 1991, that shall
 35 be paid for occupational disease and the results thereof under this
 36 chapter or under any combination of its provisions may not exceed one
 37 hundred forty-seven thousand dollars (\$147,000) in any case.
- 38 (p) The maximum compensation with respect to disability or death

1 occurring on and after July 1, 1991, and before July 1, 1992, that shall
2 be paid for occupational disease and the results thereof under this
3 chapter or under any combination of the provisions of this chapter may
4 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
5 case.

6 (q) The maximum compensation with respect to disability or death
7 occurring on and after July 1, 1992, and before July 1, 1993, that shall
8 be paid for occupational disease and the results thereof under this
9 chapter or under any combination of the provisions of this chapter may
10 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

11 (r) The maximum compensation with respect to disability or death
12 occurring on and after July 1, 1993, and before July 1, 1994, that shall
13 be paid for occupational disease and the results thereof under this
14 chapter or under any combination of the provisions of this chapter may
15 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
16 any case.

17 (s) The maximum compensation with respect to disability or death
18 occurring on and after July 1, 1994, and before July 1, 1997, that shall
19 be paid for occupational disease and the results thereof under this
20 chapter or under any combination of the provisions of this chapter may
21 not exceed two hundred fourteen thousand dollars (\$214,000) in any
22 case.

23 (t) The maximum compensation that shall be paid for occupational
24 disease and the results of an occupational disease under this chapter or
25 under any combination of the provisions of this chapter may not exceed
26 the following amounts in any case:

27 (1) With respect to disability or death occurring on and after July
28 1, 1997, and before July 1, 1998, two hundred twenty-four
29 thousand dollars (\$224,000).

30 (2) With respect to disability or death occurring on and after July
31 1, 1998, and before July 1, 1999, two hundred thirty-four
32 thousand dollars (\$234,000).

33 (3) With respect to disability or death occurring on and after July
34 1, 1999, and before July 1, 2000, two hundred forty-four thousand
35 dollars (\$244,000).

36 (4) With respect to disability or death occurring on and after July
37 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
38 dollars (\$254,000).

- 1 (5) With respect to disability or death occurring on and after July
2 1, 2001, and before July 1, 2002, two hundred seventy-four
3 thousand dollars (\$274,000).
- 4 (6) With respect to disability or death occurring on and after July
5 1, 2002, and before July 1, 2006, two hundred ninety-four
6 thousand dollars (\$294,000).
- 7 (7) With respect to disability or death occurring on and after July
8 1, 2006, and before July 1, 2007, three hundred thousand dollars
9 (\$300,000).
- 10 (8) With respect to disability or death occurring on and after July
11 1, 2007, and before July 1, 2008, three hundred ~~ten~~ **eleven**
12 thousand ~~four~~ **hundred thirty** dollars ~~(\$310,000)~~ **(\$311,430)**.
- 13 (9) With respect to disability or death occurring on and after July
14 1, 2008, and before July 1, 2009, three hundred ~~eighteen~~
15 **twenty-three** thousand ~~two~~ **hundred ninety-five** dollars
16 ~~(\$318,000)~~ **(\$323,295)**.
- 17 (10) With respect to disability or death occurring on or after July
18 1, 2009, **and before July 1, 2010**, three hundred ~~twenty-five~~
19 **thirty-five** thousand ~~six hundred thirteen~~ dollars ~~(\$325,000)~~
20 **(\$335,613)**.
- 21 **(11) With respect to disability or death occurring on or after**
22 **July 1, 2010, three hundred forty-eight thousand four**
23 **hundred dollars (\$348,400).**
- 24 (u) For all disabilities occurring on and after July 1, 1985, "average
25 weekly wages" means the earnings of the injured employee during the
26 period of fifty-two (52) weeks immediately preceding the disability
27 divided by fifty-two (52). If the employee lost seven (7) or more
28 calendar days during the period, although not in the same week, then
29 the earnings for the remainder of the fifty-two (52) weeks shall be
30 divided by the number of weeks and parts of weeks remaining after the
31 time lost has been deducted. If employment before the date of disability
32 extended over a period of less than fifty-two (52) weeks, the method of
33 dividing the earnings during that period by the number of weeks and
34 parts of weeks during which the employee earned wages shall be
35 followed if results just and fair to both parties will be obtained. If by
36 reason of the shortness of the time during which the employee has been
37 in the employment of the employer or of the casual nature or terms of
38 the employment it is impracticable to compute the average weekly

wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

(v) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from a disablement occurring on or after January 1, 1998, the minimum total benefit shall not be less than seventy-five thousand dollars (\$75,000).

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-3-1-3(a), as amended by this act, a rule adopted by the worker's compensation board concerning the assessment and collection of reasonable fees for services must provide that a fee established for adjudicating disputes between an insurer and a health care provider may not take effect before July 1, 2008.

(b) This SECTION expires June 30, 2009.

SECTION 8. An emergency is declared for this act."

(Reference is to SB 537 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Representative Cheney